

PATENT COOPERATION TREATY

Sender : INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

Addressee : Le Forestier Eric Cabinet Regimbeau 20, rue de Chazelles F-75847 Paris Cedex 17 FRANCE /Stamp/ Date received:		PCT NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (PCT rule 71.1)	
Applicant's or agent's file reference 347119D21749 EMP		Date of mailing : (day/month/year) 04.11.2005	
IMPORTANT NOTIFICATION			
International application n° PCT/FR2004/003253	International filing date (day/month/year) 16/12/2004	Priority date (day/month/year) 16/12/2003	
Applicant : PEGUFORM FRANCE et al.			
<ol style="list-style-type: none"> 1. The applicant is hereby notified that the International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application. 2. A copy of this report and its annexes; if any, is being transmitted to the International Bureau for communication to all elected Offices. 3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices. 4. REMINDER The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301). Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annex to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned. For further details on the applicable time limits and the requirements of the elected Offices, see Volume II of the <i>PCT applicants' guide</i>. The applicant's attention is drawn to Article 33(5) which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims. 			
Name and mailing address of the IPEA European patent office D-80298 Munich Tel : +49 89 2399 - 0 Tx: 523656 epmu d Fax : +49 89 2399 - 4465		Authorized officer Zibell, M Telephone n° : +49 89 2399 - 7213	

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	FOR FURTHER ACTION See Form PCT/PEA/416																									
International application n° PCT/FR2004/003253	International filing date (day/month/year) 16.12.2004	(Earliest) Priority date (day/month/year) 16.12.2003																								
International Patent Classification (IPC) or both national and IPC classification B60R21/34, B62D25/10, B62D29/04																										
Applicant : PEGUFORM FRANCE et al																										
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35, and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consist of a total of:5.....sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of...sheets as follows:</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. 1 and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 10%;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>No opinion formulated on novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) on novelty, inventive step and industrial applicability ; citations and explanations supporting such statement</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>			<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	No opinion formulated on novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) on novelty, inventive step and industrial applicability ; citations and explanations supporting such statement	<input checked="" type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of request for international preliminary examination : 17/10/2005	Date of completion of this report 04.11.2005
Name and postal address of authority conducting international preliminary examination European patent office – D-80298 Munich Tel : +49 89 2399-0 Tx 523656 epmu d Fax : +49 89 2399 - 4465	Authorized officer Marin, C Telephone n° : +49 89 2399

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY	International application n° PCT/FR2004/003253												
Box No. 1 Basis of the report													
<p>1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated hereunder.</p> <p><input type="checkbox"/> the present report is based on translations made from the original language in the following language which is the language of a translation furnished for the purposes of:</p> <p style="margin-left: 40px;"> <input type="checkbox"/> international search (Rules 12.3(a) and 23.1(b)) <input type="checkbox"/> publication of the international application (Rule 12.4) <input type="checkbox"/> international preliminary examination (Rules 55.2(a) and/or 55.3(a)). </p> <p>2. With regard to the elements of the international application, this report is based on the following <i>(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 40%;">Description, Pages</td> <td></td> </tr> <tr> <td>1- 12</td> <td>as originally filed</td> </tr> <tr> <td>Claims, N°</td> <td></td> </tr> <tr> <td>1-21</td> <td>as originally filed</td> </tr> <tr> <td>Drawings, Sheets</td> <td></td> </tr> <tr> <td>1/7 – 7/7</td> <td>as originally filed</td> </tr> </table> <p>3. <input type="checkbox"/> The amendments have resulted in the cancellation of:</p> <p style="margin-left: 40px;"> <input type="checkbox"/> the description, pages: <input type="checkbox"/> the claims, Nos. <input type="checkbox"/> the drawings, sheets/figs: <input type="checkbox"/> the sequence listing (<i>specify</i>): <input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): </p> <p>4. <input type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).</p> <p style="margin-left: 40px;"> <input type="checkbox"/> the description, pages: <input type="checkbox"/> the claims, Nos. <input type="checkbox"/> the drawings, sheets/figs: <input type="checkbox"/> the sequence listing (<i>specify</i>): <input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): </p> <p>* <i>If item 4 applies, some or all of those sheets may be marked "superseded".</i></p>		Description, Pages		1- 12	as originally filed	Claims, N°		1-21	as originally filed	Drawings, Sheets		1/7 – 7/7	as originally filed
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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY		International application n° PCT/FR2004/003253																		
Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																				
<p>1. Statement:</p> <table border="0"> <tr> <td>Novelty</td> <td>Yes:</td> <td>Claims</td> </tr> <tr> <td></td> <td>No:</td> <td>Claims 1-21</td> </tr> <tr> <td>Inventive step</td> <td>Yes:</td> <td>Claims</td> </tr> <tr> <td></td> <td>No:</td> <td>Claims 1-21</td> </tr> <tr> <td>Industrial applicability</td> <td>Yes:</td> <td>Claims 1-21</td> </tr> <tr> <td></td> <td>No:</td> <td>Claims</td> </tr> </table> <p>2. Citations and explanations (Rule 70.7) see separate sheet</p>			Novelty	Yes:	Claims		No:	Claims 1-21	Inventive step	Yes:	Claims		No:	Claims 1-21	Industrial applicability	Yes:	Claims 1-21		No:	Claims
Novelty	Yes:	Claims																		
	No:	Claims 1-21																		
Inventive step	Yes:	Claims																		
	No:	Claims 1-21																		
Industrial applicability	Yes:	Claims 1-21																		
	No:	Claims																		
Box No. VI Certain cited documents																				
<p>1. Some published documents (rule 70.10° and/or</p> <p>2. Non-written disclosures (rule 70.9) see separate sheet</p>																				
Box No. VIII Observations on the international application																				
<p>The following observations are made in respect of the clarity of the claims, description and drawings and on the question of whether the claims are entirely based on the description.</p> <p>see separate sheet</p>																				

Regarding Point II

Claims 7-19 and the description (p. 10 il.6-p, 12-il.1.1], [p.12, il.21&ss.] and figures 17, 18 and 19 were inserted when filing the international application, the applicant cannot therefore avail itself of the French priority for the aspects of the invention to which they relate.

Regarding Point V

1. Reference is made to the following document:
D1: EP 0 119 131 A (RENAULT) 19 September 1984 (1984-09-19)
2. INDEPENDENT CLAIM 1
- 2.1 The present application does not meet the conditions required by Article 33(1) PCT, the subject of claim 1 not conforming to the criterion of novelty as defined by Article 33(2) PCT.
Document D1 (the references between brackets applying to this document) describes:

A vehicle hood comprising

- a wall (1) containing a first material; and
- a liner (2) containing a second material more fragile than the first material, characterized in that the liner comprises ribs (3-5).

3. DEPENDENT CLAIMS 2-21
The claims do not contain any characteristics which, combined with the characteristics of any claim to which they refer, meet PCT requirements in terms of novelty (Article 33(2) PCT).
The examiner refers the applicant to the citations in the search report

Regarding Point VIII

Claims 2, 6, 7, 9, 11, 14-19 do not meet requirements regarding clarity (Art.6 – PCT) for the following reasons:

Claim 2: “planar” is a vague term for a rib, it may concern the wall itself, the edge or foot of the rib.

Claim 6: reference (4) does not appear appropriate for the liner, unless it concerns the wall and not the liner.

Claim 7: In at least one zone from among a front half, a rear half means that the claim is superfluous.

Claim 9: we draw the applicant’s attention to the fact that the hood as soon as it is inclined (99.9% of cases) is inclined with respect to a longitudinal direction of the vehicle.

Claim 11: one essential element of the invention appears to be that at least some of the ribs have their free longitudinal edge on the side of the wall.

Claims 14-19: the use of the term “*pontet*” (“guard”) to define elements 140, 142 does not convince the examiner, its general acceptance in the examiner’s knowledge being removed from the meaning given to it in the application.

The description proposes a definition page 12, il. 1-4: “a U-shaped profile... away from the latter”. Unfortunately the formulation used does not allow this definition to be considered as applying univocally to the subject of the claim, leaving it ill-defined.